

Appl. No. 10/696,102  
Response to 04/11/2006 Office Action  
Atty. Dkt. MI40-363

**In the Drawings:**

The attached sheets of drawings include changes to Fig. 5 and the addition of Figs. 11 and 12.

New Sheet 3/9, which includes Fig. 5, replaces the original sheet including Fig. 5. In Fig. 5, matching networks 84, 86, 88 and 90 have been added.

New Sheet 9/9 includes new Figs. 11 and 12.

With the additional of new Figs. 11 and 12, renumbering of the number of sheets of drawings was necessitated. Therefore, a complete set of new formal drawings is submitted herewith.

**Attachments:**      *Nine (9) Formal Replacement Drawing Sheets (Figs. 1-12)*  
                        *Nine (9) Annotated drawing sheets showing changes in red ink (Figs. 1-12)*

**REMARKS**

Reconsideration is requested.

The Specification has been amended to reflect the current status of the parent application as required by the Examiner.

The Examiner has objected to the Abstract as being improper. Accordingly, the Abstract has been amended to overcome the Examiner's objections.

In regard to the specific objections of the Examiner, the drawings have been amended to obviate the Examiners objections on page 2 of the Office Action, and to more closely conform the drawings with the specification. The Specification has been amended to reflect the correction of Fig. 5, and the addition of new Figs. 11 and 12.

Claim 46 has been amended to obviate the rejection under 35 U.S.C. §112, second paragraph.

Claims 1, 2, 5, 8, 9 and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,781,508. Claims 1, 2, 5, 8, 9 and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,466,131. Claims 1, 2, 5, 8, 9, and 12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,509,837. Reconsideration is requested. Selectively tuning circuitry within

a range of tuned and detuned states to realize a desired circuitry sensitivity is substantially different from laser trimming.

Claims 1, 2, 4, 5, 7-9, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,086,290 to Murray et al. and over U.S. Patent No. 5,626,630 to Markowitz et al.

Claim 1 recites an adjustable radio frequency data communications device for use with a remote interrogator unit, the device comprising a monolithic semiconductor integrated circuit having integrated circuitry; transmitter circuitry provided on the monolithic integrated circuit and forming at least part of the integrated circuitry; an antenna electrically coupled to the transmitter circuitry and configured to communicate with the remote interrogator unit; a power source electrically coupled to the integrated circuitry and configured to generate operating power for the communications device; and at least one of the antenna and the transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter circuitry sensitivity.

The Markowitz et al. reference fails to disclose at least one of an antenna and transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter circuitry sensitivity.

The Murray et al. reference also fails to disclose at least one of an antenna and the transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter circuitry sensitivity.

The Examiner is stating that it is well known in the art that transmitter circuits are tuned or detuned in the same manner as receiving circuits and such would affect the operating range of the transmitting circuit.

Citation of prior art supporting this position is respectfully requested. Applicants respectfully submit that in the transmitter art, it would substantially always be a goal to maximize transmission range.

Further, it would not be obvious to combine the Murray et al. reference with the Markowitz et al. reference absent some teaching or suggestion to do so. The Federal Circuit discussed proper motivation in the case of *In re Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). The motivation identified in the Office Action of providing flexibility is akin to the conclusory statements set forth in *In re Lee* which were found to fail to provide the requisite motivation to support an obviousness rejection. The Court in *In re Lee* stated the factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record. The Examiner's conclusory statements in the *Lee* case did not adequately address the issue of motivation to combine. The Court additionally stated that the factual question of motivation is material to

patentability and cannot be resolved on subjective belief and unknown authority. The Court also stated that deficiencies of cited references cannot be remedied by general conclusions about what is basic knowledge or common sense. The Court further stated that the determination of patentability must be based on evidence.

In the instant case, the record is devoid of evidence to support motivation to combine the teachings apart from the conclusory statements of the Examiner which are insufficient for proper motivation. There is no evidence that the device of Markowitz et al. is deficient with respect to reconfigurability of sensitivity such that one would be motivated to look for other solutions or that any improvement would result from the combination of the reference teachings. The only rationale is the subjective opinion of the Examiner improperly based upon Applicants' own disclosure. There is no motivation to combine the reference teachings and the Office has failed to establish a *prima facie* rejection for at least this reason.

One of ordinary skill in the art seeking to solve the problem Applicants are solving would not turn to a perimeter monitoring system and a medical telemetry system for inspiration. Further, varying sensitivity of a receiver, as Murray et al. do, to determine an effective perimeter, is different from reconfiguring electrical characteristics to selectively tune at least one of an antenna and transmitter circuitry within a range of tuned and detuned states to realize a desired sensitivity in RFID circuitry.

Therefore, claim 1 is allowable. As claims 2-7 depend on claim 1, they too are allowable. Claims 8-9, 11 and 12 are allowable because the combination of references is improper.

Claims 3, 6, 10, 13, 15-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,086,290 to Murray et al. and over U.S. Patent No. 5,626,630 to Markowitz et al., and further in view of U.S. Patent No. 5,491,484 to Schuermann.

Claim 15 recites, in part, at least one of the antenna and the transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter range of the communications device in response to a command from the remote interrogator unit.

The Markowitz et al. reference fails to disclose at least one of an antenna and transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter range of the communications device in response to a command from the remote interrogator unit.

The Murray et al. reference also fails to disclose at least one of an antenna and transmitter circuitry having reconfigurable electrical characteristics, the electrical characteristics being reconfigurable to selectively tune the at least

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one of the antenna and the transmitter circuitry within a range of tuned and detuned states to realize a desired transmitter range of the communications device in response to a command from the remote interrogator unit.

The Examiner is stating that it is well known in the art that transmitter circuits are tuned or detuned in the same manner as receiving circuits and such would affect the operating range of the transmitting circuit. Citation of prior art supporting this position is respectfully requested. Applicants respectfully submit that in the transmitter art, it would substantially always be a goal to maximize transmission range.

Further, it would not be obvious to combine the Murray et al. reference with the Markowitz et al. reference absent some teaching or suggestion to do so, for the reasons described above.

Further, even if the Murray et al. reference and the Markowitz et al. reference could be combined, it would not be obvious to combine that combination with Schuermann absent some teaching or suggestion that would motivate one of ordinary skill in the art to do so.

Therefore, claim 15 is allowable. As claims 16-21 depend on claim 15, they too are allowable.

Claim 35 recites selectively tuning at least one of the antenna and the transmitter to a state selected from a range of tuned and detuned states to realize a desired transmitter range in response to a command transmitted by the interrogator unit.

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None of the cited references disclose tuning at least one of the antenna and the transmitter to a state selected from a range of tuned and detuned states to realize a desired transmitter range.

Therefore, claim 35 is allowable. As claims 36 and 38-41 depend on claim 35, they too are allowable.

Claim 37 has been amended to place it into independent form and to change some limitations.

None of the cited references disclose selectively tuning the transmitter to a state selected from a range of tuned and detuned states to realize a desired transmitter range, the selectively tuning including providing a plurality of fixed matching networks and circuitry configured to selectively switch one of the fixed matching networks into electrical connection with the transmitter, in response to a command transmitted by the interrogator unit, in order to adjust impedance matching between the transmitter and the antenna.

Therefore, claim 37 is allowable. Claim 46 has been amended to place it into independent form and change some limitations. None of the cited references teach or suggest adjusting transmission range and reception range in an RFID device. Claims 22-34, and 42-53 are also allowable because the combination of references is improper, as discussed above.

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The undersigned is available for telephone consultation at any time.

Respectfully submitted,

Dated: July 16, 2006 By:   
Deepak Malhotra  
Reg. No. 33,560

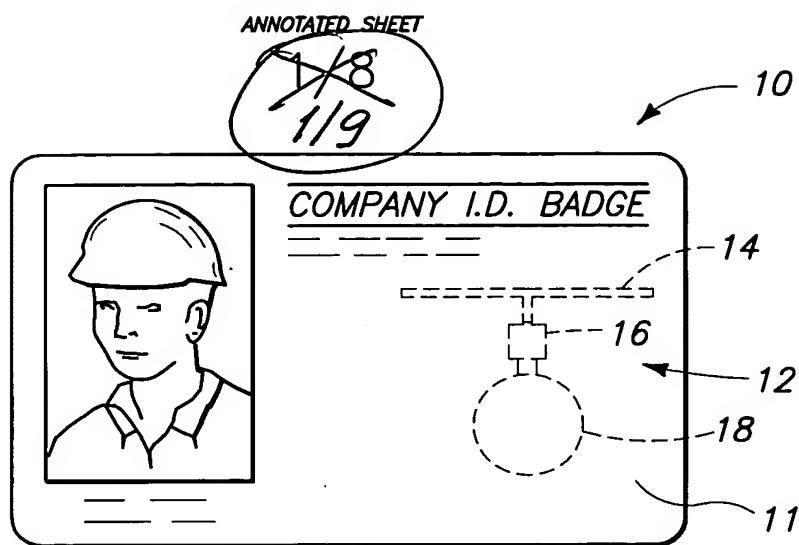


FIGURE 1

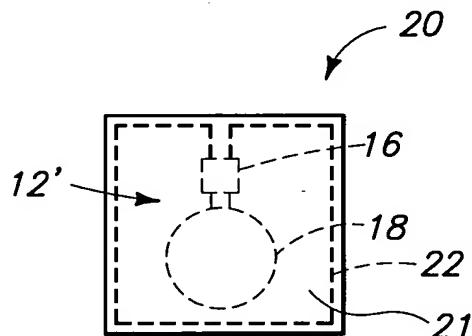
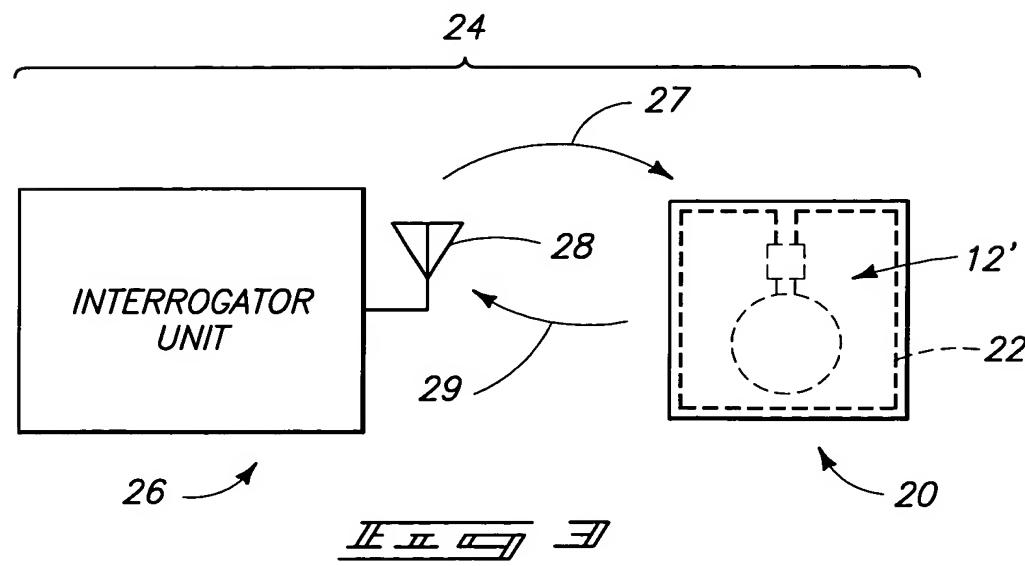
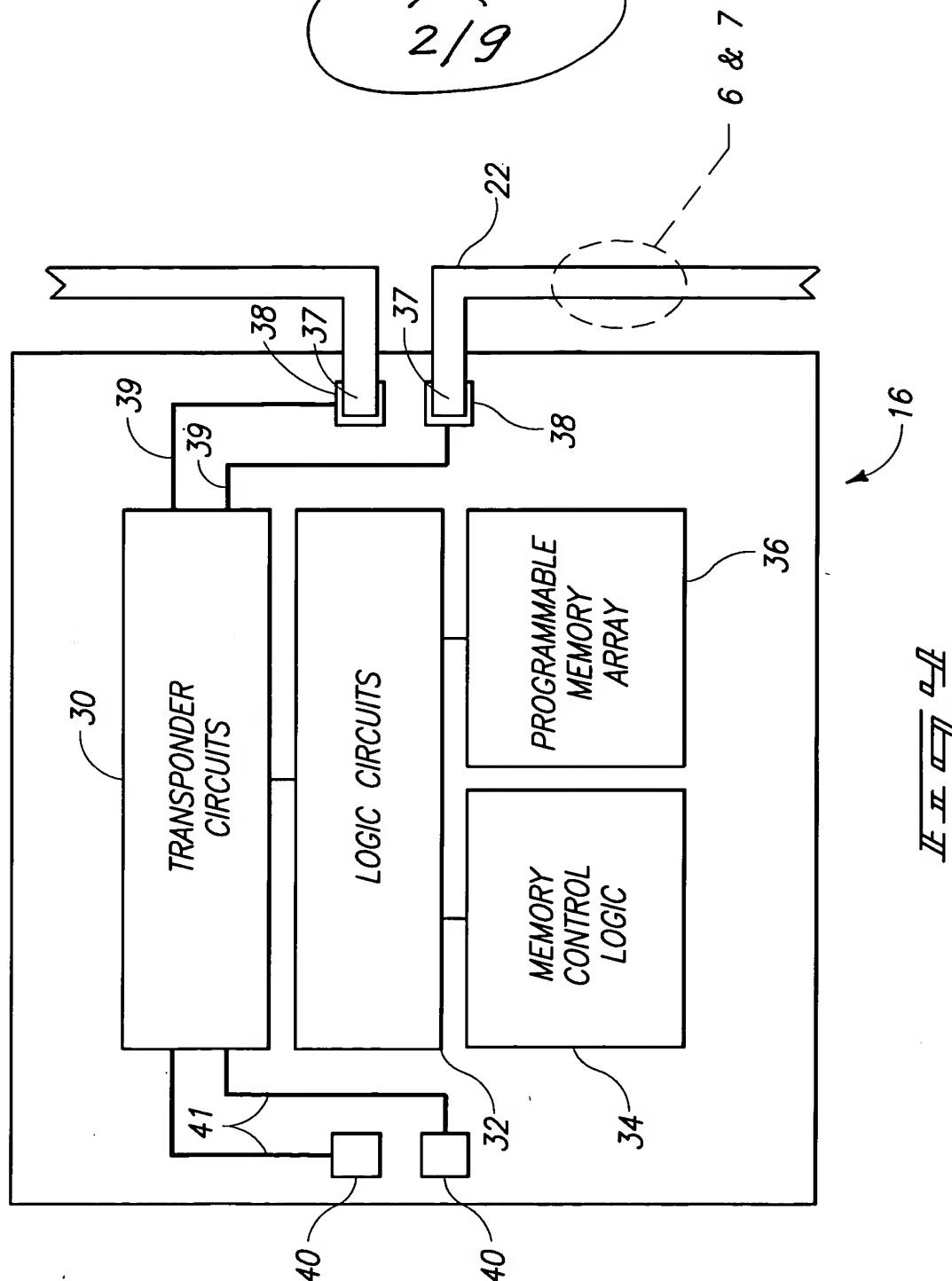


FIGURE 2

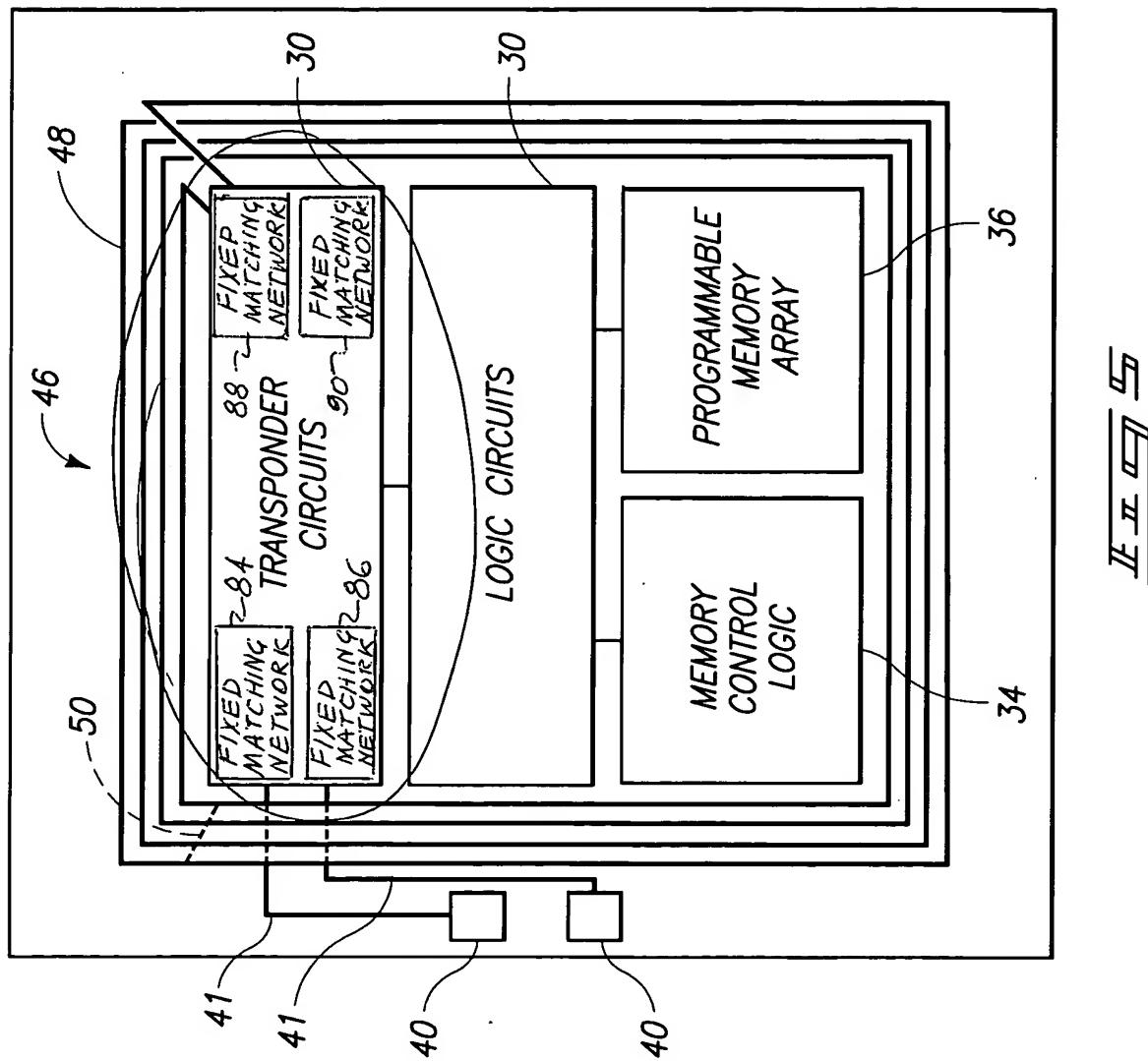


ANNOTATED SHEET

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2/9

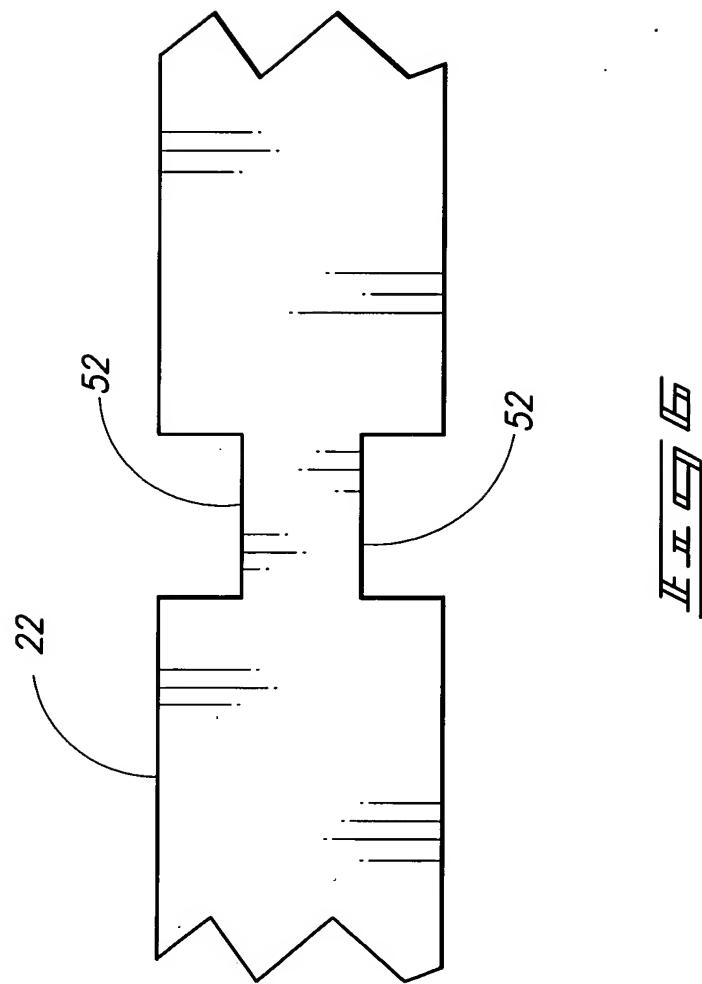
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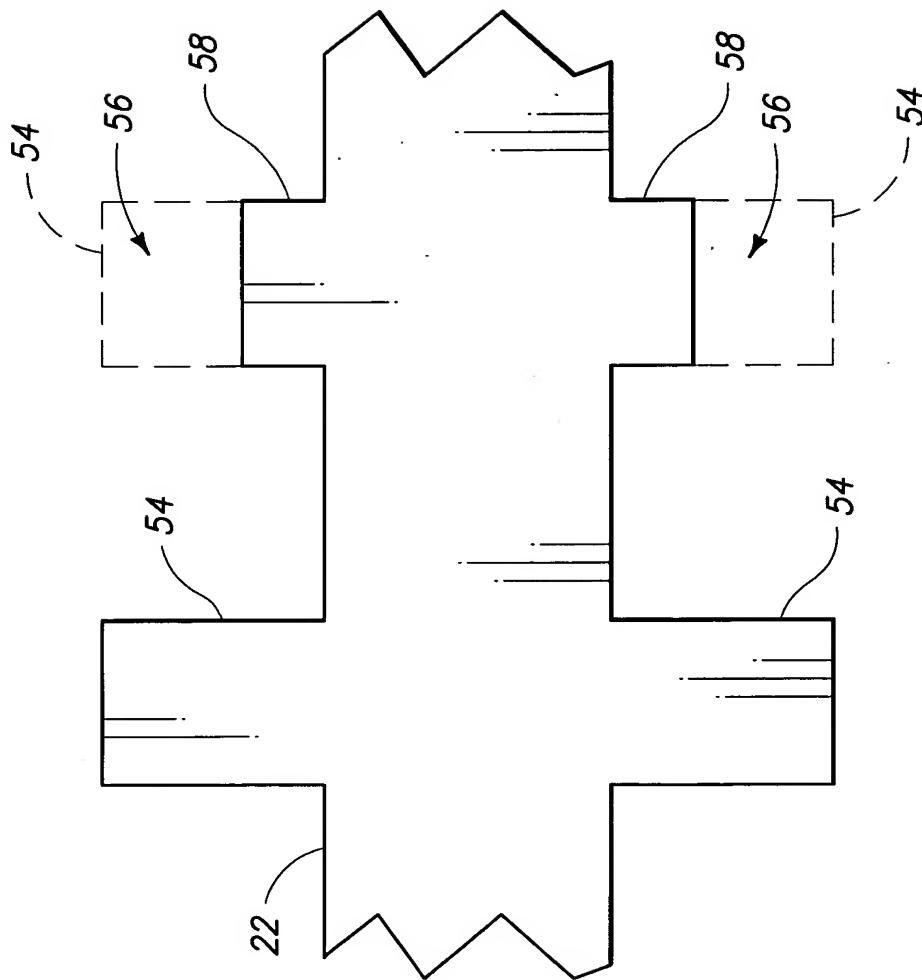
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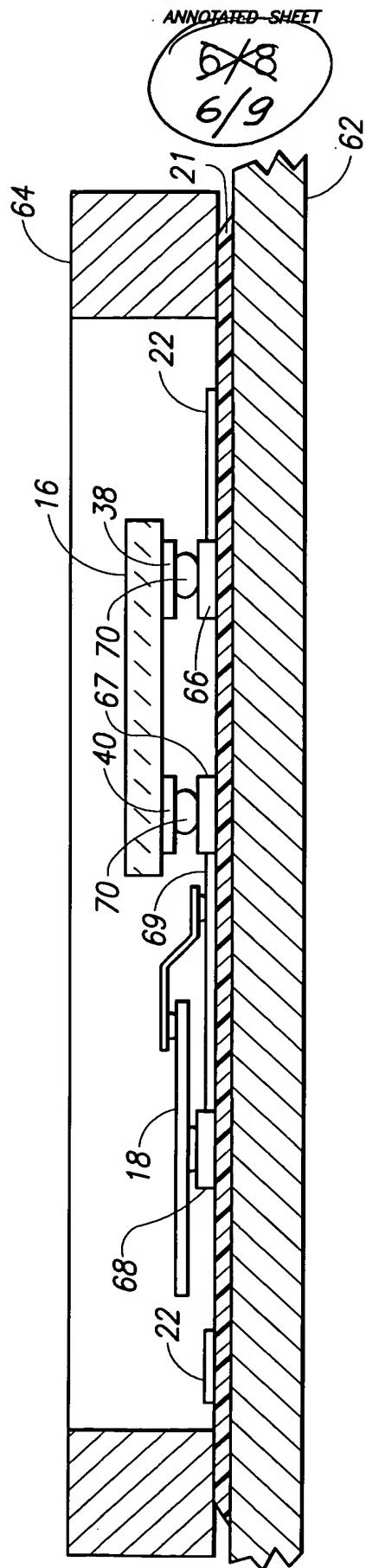


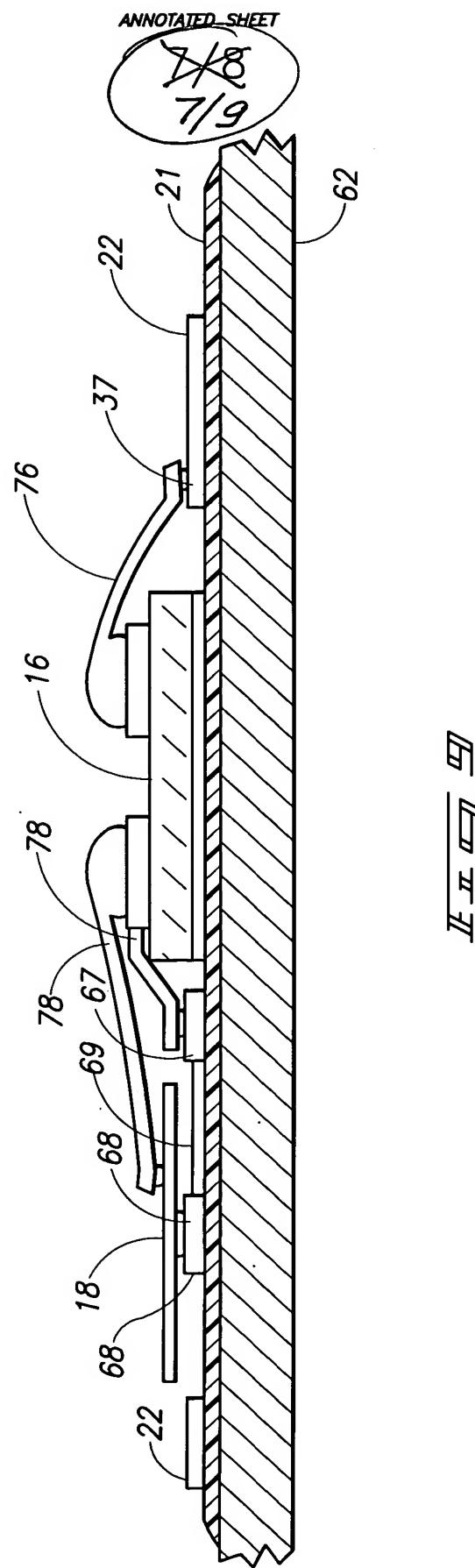
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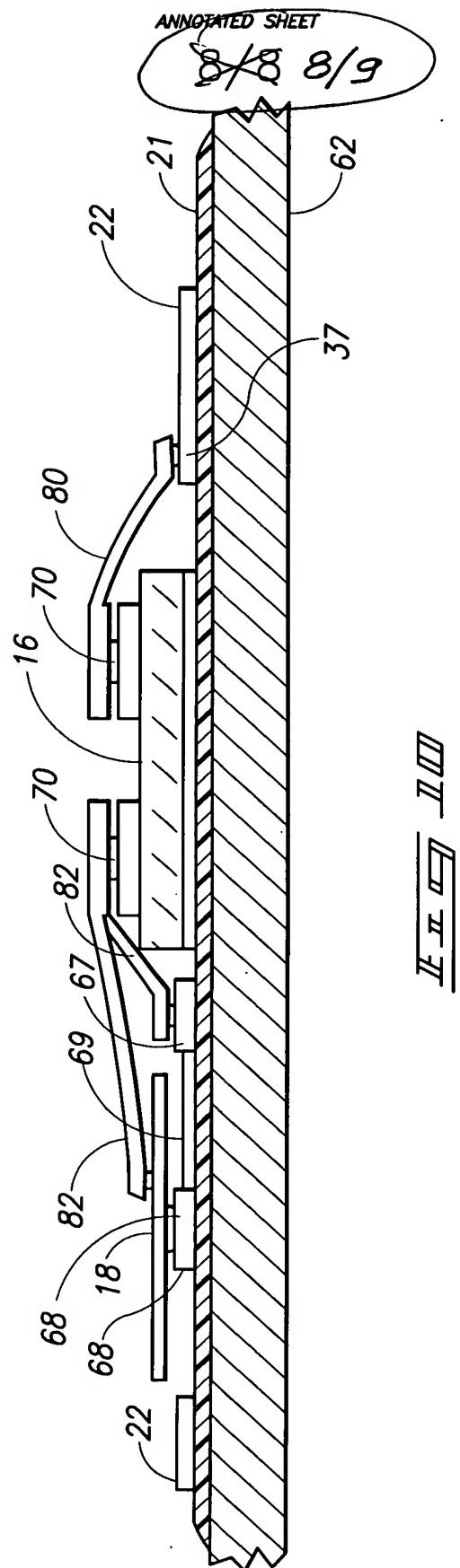
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ADDITIONAL SHEET

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